

1 Stacey M. Leyton (SBN 203827)
2 Barbara J. Chisholm (SBN 224656)
3 Danielle Leonard (SBN 218201)
4 ALTSHULER BERZON LLP
5 177 Post Street, Suite 300
6 San Francisco, CA 94108
7 Tel: (415) 421-7151
8 Fax: (415) 362-8064
9 sleyton@altber.com
10 bchisholm@altber.com
11 dleonard@altber.com

12 Elena Goldstein (pro hac vice)
13 Skye Perryman (pro hac vice)
14 Tsuki Hoshijima (pro hac vice)
15 DEMOCRACY FORWARD FOUNDATION
16 P.O. Box 34553
17 Washington, DC 20043
18 Tel: (202) 448-9090
19 Fax: (202) 796-4426
20 egoldstein@democracyforward.org
21 sperryman@democracyforward.org
22 thoshijima@democracyforward.org

23 *Attorneys for Plaintiffs*

24 [Additional counsel and affiliations listed on signature page]

25 UNITED STATES DISTRICT COURT
26 FOR THE NORTHERN DISTRICT OF CALIFORNIA
27 SAN FRANCISCO DIVISION

28 AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**JOINT CASE MANAGEMENT
STATEMENT**

INTRODUCTION

Plaintiffs and Defendants submit this Joint Case Management Statement in advance of the Case Management Conference scheduled for October 17, 2025 at 3:00 PM.

1. PENDING APPELLATE MATTERS

On September 19, 2025, a divided panel of the Ninth Circuit denied Defendants' Petition for a Writ of Mandamus that sought relief from this Court's July 18, 2025 Order requiring production of Agency RIF and Reorganization Plans ("ARRPs"). *In re Trump*, No. 25-4476 (9th Cir.), Dkt. 24. The Ninth Circuit also vacated this Court's preliminary injunction and remanded Defendants' appeal from this Court's preliminary injunction order. *AFGE v. Trump*, No. 25-3293 (9th Cir.), Dkt. 36.

On September 23, 2025, Defendants filed a Petition for Panel Rehearing or Rehearing En Banc of the September 19, 2025 decision denying the mandamus petition in No. 25-4476. On September 24, 2025, the Ninth Circuit granted Defendants' request to extend the prior administrative stay of this Court's July 18, 2025 Order pending further order of that Court. On September 26, 2025, the Ninth Circuit issued a scheduling order directing Plaintiffs to file a response by no later than October 17, 2025 (twenty-one days from the date of the scheduling order). Plaintiffs filed their response on October 7, 2025. That petition remains pending.

2. RECENT DEVELOPMENTS

On September 9, 2025, this Court granted in part and denied in part Defendants' Motion to Dismiss. ECF 259. That order granted Plaintiffs leave to amend their complaint with regard to defendant DOGE by September 30, 2025. *Id.* The parties subsequently submitted a stipulated request to extend time for Defendants to respond to that complaint to October 30, 2025, which the Court entered. ECF 265, 266. Plaintiffs filed their Second Amended Complaint on September 29, 2025. ECF 270.

On October 1, 2025, Defendants filed an Administrative Motion to stay the case in light of the lapse in federal appropriations that began that same date, which Plaintiffs opposed. ECF 273, 275. The Court denied that motion on October 3, 2025. ECF 276.

1 In addition, on September 30, 2025, the Plaintiffs in *AFGE v. Office of Management and*
2 *Budget*, No. 3:25-cv-08302, filed an Administrative Motion to Consider Whether Case Should Be
3 Related. ECF 272. Defendants opposed the motion but did not file a response. On October 7,
4 2025, this Court granted that motion. ECF 278.

5 **3. PENDING DISCOVERY DISPUTES**

6 Prior to the last Case Management Conference held on September 12, 2025, the parties
7 submitted a joint statement to the Court regarding two discovery disputes pertaining to Plaintiffs'
8 first request for production of documents to Defendants. ECF 257. The Court and the parties
9 discussed those disputes at the CMC. The Court indicated that it would revisit the dispute
10 regarding Plaintiffs' request for production of documents for which Defendants have asserted a
11 deliberative process privilege following the Ninth Circuit's resolution of the then-pending
12 mandamus petition with respect to the ARRP Order. The Court indicated it would resolve the
13 second dispute regarding production of documents in possession of the federal agency defendants
14 other than OMB, OPM, and USDS.

15 Plaintiffs renew their request for resolution of the second dispute.

16 **4. SCHEDULE AND OTHER MATTERS**

17 The parties continue to meet and confer with respect to other disputes pertaining to
18 Plaintiffs' requests for production of documents, including with regard to Defendants' privilege
19 log, with the goal of resolving disputes without the Court's involvement. Should the parties reach
20 impasse, they will present those disputes by way of joint letter.

21 Plaintiffs request the Court set this case for a further Case Management Conference in
22 November 2025. Defendants do not think another conference with the Court need be set at this
23 time.

24 **A. Plaintiffs' Position**

25 Plaintiffs' current intention is to serve further discovery following the Ninth Circuit's
26 resolution of the pending rehearing petition. As reported in the prior CMC Statement, Plaintiffs
27 anticipate seeking additional written discovery on communications between OMB, OPM, and
28 USDS and Federal Agency Defendants regarding the Executive Order, OMB/OPM Memorandum,

and ARRs, including submissions, responses, and discussions of the contents and timing of the ARRs, any approvals or disapprovals in whole or part, and any discussions of the requirements or adequacy of ARRs. Plaintiffs also anticipate seeking written discovery on OMB, OPM, USDS, and Federal Agency Defendants' internal documents regarding the EO, Memorandum, and ARRs, including documents pertaining to ongoing implementation of the ARRs. Discovery may also be necessary to "ascertain the contours of the precise policy at issue." *Hisp. Affs. Project v. Acosta*, 901 F.3d 378, 388 (D.C. Cir. 2018); *see also Doe 1 v. Nielsen*, No. 18-CV-02349-BLF(VKD), 2018 WL 4266870, at *2 (N.D. Cal. Sept. 7, 2018); *All. for Retired Americans v. Bessent*, No. CV 25-0313 (CKK), 2025 WL 1114350, at *3 (D.D.C. Mar. 20, 2025). Plaintiffs also anticipate taking depositions, including depositions under Federal Rule 30(b)(6).

With respect to scheduling, in light of the delays caused by appellate proceedings, Plaintiffs revise their previous prediction that discovery could be complete by the end of 2025, and expect discovery to potentially continue into 2026, with a schedule for summary judgment briefing thereafter.

This Court previously denied without prejudice Plaintiffs' request for an administrative record production. ECF 242. Plaintiffs will renew that request as appropriate following resolution of the pending rehearing petition to the Ninth Circuit.

B. Defendants' Position

Defendants made an initial production of documents, produced a privilege log, and continue to work with Plaintiffs regarding searches for documents responsive to Plaintiffs' RFP No. 1. Notwithstanding those good-faith efforts, Defendants remain of the view that Rule 26 discovery is generally inappropriate in this case.

DATED: October 10, 2025

Respectfully submitted,

Stacey M. Leyton
Barbara J. Chisholm
Danielle E. Leonard
Corinne F. Johnson
Alice X. Wang
Robin S. Tholin

Aaron Schaffer-Neitz
ALTSHULER BERZON LLP
177 Post St., Suite 300
San Francisco, CA 94108
Tel: (415) 421-7151
sleyton@altshulerberzon.com
bchisholm@altshulerberzon.com
dleonard@altshulerberzon.com

By: /s/ Danielle Leonard

*Attorneys for All Union and Non-Profit Organization
Plaintiffs*

Elena Goldstein (pro hac vice)
Skye Perryman (pro hac vice)
Tsuki Hoshijima (pro hac vice)
DEMOCRACY FORWARD FOUNDATION
P.O. Box 34553
Washington, D.C. 20043
Tel: (202) 448-9090
Fax: (202) 796-4426
egoldstein@democracyforward.org
sperryman@democracyforward.org
thoshijima@democracyforward.org

By: /s/ Tsuki Hoshijima

*Attorneys for All Union and Non-Profit Organization
Plaintiffs (except NRDC) and for Plaintiffs City of
Chicago, IL; Martin Luther King, Jr. County, WA;
Harris County, TX; and City of Baltimore, MD*

Jules Torti (pro hac vice)
PROTECT DEMOCRACY PROJECT
82 Nassau St., #601
New York, NY 10038

Erica J. Newland (pro hac vice)
Jacek Pruski (pro hac vice)
PROTECT DEMOCRACY PROJECT
2020 Pennsylvania Ave., N.W., Suite 163
Washington, D.C. 20006
Tel: 202-579-4582
jules.torti@protectdemocracy.org
erica.newland@protectdemocracy.org

jacek.pruski@protectdemocracy.org

By: /s/ Jacek Pruski

*Attorneys for All Union and Non-Profit Organization
Plaintiffs (except NRDC)*

Norman L. Eisen (pro hac vice)
Spencer W. Klein (pro hac vice)
STATE DEMOCRACY DEFENDERS FUND
600 Pennsylvania Avenue SE #15180
Washington, D.C. 20003
Tel: (202) 594-9958
Norman@statedemocracydefenders.org
Spencer@statedemocracydefenders.org

By: /s/ Norman L. Eisen

*Attorneys for All Union and Non-Profit Organization
Plaintiffs (except NRDC)*

Rushab Sanghvi (SBN 302809)
AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, AFL-CIO
80 F Street, NW
Washington, D.C. 20001
Tel: (202) 639-6426
Sanghr@afge.org

By: /s/ Rushab Sanghvi

*Attorneys for Plaintiffs American Federation of
Government Employees, AFL-CIO (AFGE) and AFGE
locals*

Teague Paterson (SBN 226659)
Matthew Blumin (pro hac vice)
AMERICAN FEDERATION OF STATE, COUNTY,
AND MUNICIPAL EMPLOYEES, AFL-CIO
1625 L Street, N.W.
Washington, D.C. 20036
Tel: (202) 775-5900
TPaterson@afscme.org
MBlumin@afscme.org

By: /s/ Teague Paterson

Attorneys for Plaintiff American Federation of State

1 *County and Municipal Employees, AFL-CIO*
2 *(AFSCME)*

3 Steven K. Ury (SBN 199499)
4 SERVICE EMPLOYEES INTERNATIONAL
5 UNION, AFL-CIO
6 1800 Massachusetts Ave., N.W.
7 Washington, D.C. 20036
8 Tel: (202) 730-7428
9 steven.ury@seiu.org

10 By: /s/ Steven K. Ury

11 *Attorneys for Plaintiff Service Employees*
12 *International Union, AFL-CIO (SEIU)*

13 Simi Bhat (SBN 289143)
14 Katherine K. Desormeau (SBN 266463)
15 NATURAL RESOURCES DEFENSE COUNCIL
16 111 Sutter St Fl 21,
17 San Francisco, CA 94104
18 Tel: (415) 875-6100
19 sbhat@nrdc.org
20 kdesormeau@nrdc.org

21 By: /s/ Simi Bhat

22 *Attorneys for Plaintiff Natural Resources Defense*
23 *Council*

24 David Chiu (SBN 189542)
25 City Attorney
26 Yvonne R. Meré (SBN 175394)
27 Chief Deputy City Attorney
28 Mollie M. Lee (SBN 251404)
Chief of Strategic Advocacy
Sara J. Eisenberg (SBN 269303)
Chief of Complex and Affirmative Litigation
Molly J. Alarcon (SBN 315244)
Alexander J. Holtzman (SBN 311813)
Deputy City Attorneys
OFFICE OF THE CITY ATTORNEY FOR THE
CITY AND COUNTY OF SAN FRANCISCO
1390 Market Street, 7th Floor
San Francisco, CA 94102
molly.alarcon@sfcityatty.org
alexander.holtzman@sfcityatty.org

By: /s/ Alexander Holtzman

Attorneys for Plaintiff City and County of San Francisco

Tony LoPresti (SBN 289269)
COUNTY COUNSEL
Kavita Narayan (SBN 264191)
Meredith A. Johnson (SBN 291018)
Raphael N. Rajendra (SBN 255096)
Hannah M. Godbey (SBN 334475)
OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA
70 West Hedding Street, East Wing, 9th Floor
San José, CA 95110
Tel: (408) 299-5900
Kavita.Narayan@cco.sccgov.org
Meredith.Johnson@cco.sccgov.org
Raphael.Rajendra@cco.sccgov.org
Hannah.Godbey@cco.sccgov.org

By: /s/ Tony LoPresti

Attorneys for Plaintiff County of Santa Clara, Calif.

David J. Hackett (pro hac vice)
General Counsel to King County Executive & Special
Deputy Prosecutor
Alison Holcomb (pro hac vice)
Deputy General Counsel to King County Executive &
Special Deputy Prosecutor
Erin King-Clancy (pro hac vice app. forthcoming)
Senior Deputy Prosecuting Attorney
OFFICE OF KING COUNTY PROSECUTING
ATTORNEY LEESA MANION
401 5th Avenue, Suite 800
Seattle, WA 98104
(206) 477-9483
David.Hackett@kingcounty.gov
aholcomb@kingcounty.gov
aclancy@kingcounty.gov

By: /s/ David J. Hackett

Attorneys for Plaintiff Martin Luther King, Jr. County

Sharanya Mohan (CABN 350675)

PUBLIC RIGHTS PROJECT

490 43rd Street, Unit #115

Oakland, CA 94609

Tel: (510) 738-6788

sai@publicrightsproject.org

By: /s/ Sharanva Mohan

*Attorney for Plaintiffs Baltimore, MD, Chicago, IL,
Harris County, TX, and King County, WA*

Christian D. Menefee

Harris County Attorney

Jonathan G.C. Fombonne (pro hac vice)

Deputy County Attorney and First Assistant

Tiffany Bingham (pro hac vice app. forthcoming)

Managing Counsel

Sarah Utley (pro hac vice app. forthcoming)

Division Director – Environmental Division

Bethany Dwyer (pro hac vice app. forthcoming)

Deputy Division Director - Environmental Division

R. Chan Tysor (pro hac vice app. forthcoming)

Senior Assistant County Attorney

Alexandra “Alex” Keiser (pro hac vice)

Assistant County Attorney

1019 Congress, 15th Floor

Houston, Texas 77002

Tel: (713) 274-5102

Fax: (713) 437-4211

jonathan.fombonne@harriscountytexas.gov

tiffany.bingham@harriscountytexas.gov

sarah.utley@harriscountytexas.gov

bethany.dwyer@harriscountytexas.gov

chan.tysor@harriscountytexas.gov

alex.keiser@harriscountytexas.gov

By: /s/ Jonathan G.C. Fombonne

Attorneys for Plaintiff Harris County, Texas

Mary B. Richardson-Lowry,

Corporation Counsel of the City of Chicago

Stephen J. Kane (IL ARDC 6272490) (pro hac vice
app. forthcoming)

Rebecca A. Hirsch (IL ARDC 6279592) (pro hac
vice)

Lucy Prather (IL ARDC 6337780) (pro hac vice)

City of Chicago Department of Law,

Affirmative Litigation Division
121 N LaSalle Street, Suite 600
Chicago, Illinois 60602
Tel: (312) 744-6934
Stephen.kane@cityofchicago.org
Rebecca.Hirsch2@cityofchicago.org
Lucy.Prather@cityofchicago.org

By: /s/ Stephen J. Kane

Attorneys for Plaintiff City of Chicago

Ebony M. Thompson
Baltimore City Solicitor
Sara Gross (pro hac vice app. forthcoming)
Chief of Affirmative Litigation
Baltimore City Department of Law
100 N. Holliday Street
Baltimore, Maryland 21202
Tel: (410) 396-3947
sara.gross@baltimorecity.gov

By: /s/ Sara Gross

Attorneys for Plaintiff City of Baltimore

CRAIG H. MISSAKIAN
United States Attorney
U.S. ATTORNEY'S OFFICE
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495

ERIC J. HAMILTON (CABN 296283)
Deputy Assistant Attorney General
DIANE KELLEHER
Branch Director
CHRISTOPHER HALL
Assistant Branch Director

/s/ Cesar Azrak
Cesar Azrak
Marianne Kies
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Telephone: (202) 305-0693
cesar.e.azrak@usdoj.gov

Counsel for Defendants